

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

MELISSA MOORE,

PLAINTIFF,

VS.

SYNCHRONY BANK, ALLIED
INTERSTATE, LLC,

DEFENDANTS.

Case No.:

[Removal from the Court of Common
Pleas of Luzerne County, Case No.:
201810751]

NOTICE OF REMOVAL

Defendant Synchrony Bank (“Synchrony”) hereby removes the above-captioned action from the Luzerne County Court of Common Pleas to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. Removal is warranted under 28 U.S.C. § 1441(a) because this is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331. Plaintiff’s cause of action arises under the laws of the United States and Luzerne County is the county of origin for purposes of removal under 28 U.S.C. § 1441(a).

I. PROCEDURAL BACKGROUND

1. Synchrony is a named defendant in a lawsuit that was filed on or about September 20, 2018 in the Luzerne County Court of Common Pleas, captioned *Melissa Moore v. Synchrony Bank, et., al.* Case No. 201810751

(hereinafter the “State Court Action”). A copy of the Complaint in the State Court Action is attached as “**Exhibit A.**”

2. On September 24, 2018, the legal department of Synchrony received a copy of the Complaint in the State Court Action. *Id.*

3. Synchrony filed this Notice of Removal on October 15, 2018.

4. The removal is timely because it is filed within 30 days of being served with the Claim. *See* 28 U.S.C. § 1446(b).

II. REMOVAL IS PROPER AS THIS CASE INVOLVES A FEDERAL STATUTE

5. Synchrony removes this case on grounds of federal-question jurisdiction pursuant to 28 U.S.C. § 1331.

6. Plaintiff’s Complaint is removable under 28 U.S.C. § 1441 because it originally could have been filed in this Court under 28 U.S.C. § 1331, in that Plaintiff brings a cause of action against Defendants under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* Specifically, Plaintiff alleges that “Synchrony placed hundreds of calls to Plaintiffs cell phone number.” Compl. ¶ 16. Plaintiff further alleges that “the calls made to Plaintiff’s cell phone were made using either an automatic telephone dialing system, as that term is defined in 47 U.S.C. § 227(a)(1), or an artificial or prerecorded voice.” *Id.* ¶ 23.

7. Under 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the...laws...of the United States.”

“[A]ny civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

8. Pursuant to 28 U.S.C. §§ 84(b) and 1441(a), venue is proper and this case is properly removed to this Court because the United States District Court for the Middle District of Pennsylvania embraces Luzerne County, where Plaintiff’s action is pending.

9. There are no other cases related to the instant action, and Synchrony has not attempted to remove this case previously.

10. Synchrony hereby reserves any and all rights to assert any and all defenses to Plaintiff’s Complaint, including, but not limited to, insufficiency of process, lack of personal jurisdiction, and improper venue.

WHEREFORE, Synchrony Bank, respectfully removes Plaintiff’s action from the Luzerne County Court of Common Pleas to this Court, pursuant to 28 U.S.C. § 1441, and requests that further proceedings be conducted in this Court as provided by law.

DATED: October 15, 2018

Respectfully submitted,

By: /s/ Jack P. Bock

Jack P. Bock (PA # 201758)

Reed Smith LLP

20 Stanwix Street, Suite 1200

Pittsburgh, PA 15222-4899

Tel: (412) 288-4238

Fax: (412) 288-3063

Attorneys for Defendants

*Synchrony Bank and Allied Interstate,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 15th Day of October, 2018, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF filing system, which will serve it on the following counsel of record:

Brett Freeman
Sabatini Law Firm, LLC
216 N. Blakely St.
Dunmore, PA 18512
(570) 341-9000
Brett@SabatiniLawFirm.com

Attorney for Plaintiff

REED SMITH LLP

By: /s/ Jack P. Bock
Jack P. Bock (PA # 201758)
Reed Smith LLP
20 Stanwix Street, Suite 1200
Pittsburgh, PA 15222-4899
Tel: (412) 288-4238
Fax: (412) 288-3063

*Attorneys for Defendants
Synchrony Bank and Allied Interstate,
LLC*